

§ 11.13

19 CFR Ch. I (4–1–10 Edition)

(e) If the products covered by a notice and demand given pursuant to the preceding paragraph are not promptly returned to Customs custody and the port director is not fully satisfied that they have been brought into compliance with the Fiber Products Identification Act, appropriate action shall be taken to effect the collection of liquidated damages in an amount equal to the entered value of the merchandise not redelivered, plus the estimated duty thereon as determined at the time of entry, unless the owner or consignee shall file with the appropriate Customs officer an application for cancellation of the liability incurred under the bond upon the payment as liquidated damages of a lesser amount than the full amount of the liquidated damages incurred, or upon the basis of such other terms and conditions as the Secretary of the Treasury may deem sufficient. The application shall contain a full statement of the reasons for the requested cancellation and shall be in duplicate.

(f) If any willful or flagrant violation of the Act with respect to the importation of articles comes to the attention of a port director, the involved merchandise shall be placed under seizure, or a demand shall be made for the redelivery of the merchandise if it has been released from Customs custody, and the case shall be reported to the Federal Trade Commission, Washington DC 20580.

(Sec. 501, 65 Stat. 290, secs. 2–12, 14, 72 Stat. 1717; 15 U.S.C. 70–70k, 31 U.S.C. 483a; R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

[28 FR 14701, Dec. 31, 1963, as amended by T.D. 72–262, 37 FR 20318, Sept. 29, 1972; T.D. 73–175, 38 FR 17446, July 2, 1973; T.D. 84–213, 49 FR 41167, Oct. 19, 1984]

§ 11.13 False designations of origin and false descriptions; false marking of articles of gold or silver.

(a) Articles which bear, or the containers which bear, false designations of origin, or false descriptions or representations, including words or other symbols tending falsely to describe or represent the articles, are prohibited importation under 15 U.S.C. 294, 295,

296, 1124, 1125 or 48 U.S.C. 1405q, and shall be detained.

(b) Articles made in whole or in part of gold or silver or alloys thereof imported for sale by manufacturers or dealers which are marked or labeled in a manner indicating a greater degree of fineness than the actual fineness of the gold or silver or alloys thereof, and any plated or filled articles so imported which are marked or labeled to indicate the fineness of the gold or silver and are not also marked or labeled to indicate the plated or filled condition or are marked or labeled with the word “sterling” or the word “coin”, are prohibited importation and shall be detained, and the facts shall be reported to the United States attorney.

(c) Whenever any articles are detained in accordance with the foregoing provisions of this section, and the case of any articles detained under paragraph (b) of this section the United States attorney has indicated that he does not intend to prosecute, the articles shall be seized and forfeited in the usual manner, except that, upon the filing of a petition therefor by the importer prior to final disposition of the articles, the port director may release the articles upon the condition that the prohibited marking be removed or obliterated or that the articles and containers be properly marked to indicate their origin, contents, or condition, or may permit the articles to be exported or destroyed under Customs supervision, and without expense to the Government.

(d) Articles forfeited for violation of section 294, 1124, or 1125, Title 15 and section 545, Title 18, U.S. Code, may be disposed of in accordance with the procedure applicable to other Customs forfeitures, but may not be released from Customs custody except upon the removal by and at the expense of the party in interest of the prohibited

marking by reason of which the articles were seized, except articles disposed of under §133.52 (a) or (b) of this chapter.

(Secs. 1-5, 34 Stat. 260-262, secs. 42, 43, 60 Stat. 440, 441, sec. 1, 62 Stat. 716, sec. 618, 46 Stat. 757; 15 U.S.C. 294-298, 1124, 1125, 18 U.S.C. 545, 19 U.S.C. 1618)

[28 FR 14701, Dec. 31, 1963, as amended by T.D. 79-159, 44 FR 31967, June 4, 1979; T.D. 89-1, 53 FR 51253, Dec. 21, 1988]

PART 12—SPECIAL CLASSES OF MERCHANDISE

FOOD, DRUGS, AND COSMETICS, ECONOMIC POISONS, HAZARDOUS SUBSTANCES, AND DANGEROUS CAUSTIC OR CORROSIVE SUBSTANCES

Sec.

- 12.1 Cooperation with certain agencies; joint regulations.
- 12.3 Release under bond; liquidated damages.
- 12.4 Exportation.
- 12.5 Shipment to other ports.

IMPORTATION OF CERTAIN CHEESES

- 12.6 Affidavits required to accompany entry.

MILK AND CREAM

- 12.7 Permits required for importation.

MEAT AND MEAT-FOOD PRODUCTS

- 12.8 Inspection; bond; release.
- 12.9 Release for final delivery to consignee.

PLANTS AND PLANT PRODUCTS

- 12.10 Regulations and orders of the Department of Agriculture.
- 12.11 Requirements for entry and release.
- 12.12 Release under bond.
- 12.13 Unclaimed shipments.
- 12.14 Detention.
- 12.15 Disposition; refund of duty.

AGRICULTURAL AND VEGETABLE SEEDS

- 12.16 Joint regulations of the Secretary of the Treasury and the Secretary of Agriculture.

VIRUSES, SERUMS, AND TOXINS FOR TREATMENT OF DOMESTIC ANIMALS

- 12.17 Importation restricted.
- 12.18 Labels.
- 12.19 Detention; samples.
- 12.20 Disposition.

VIRUSES, SERUMS, TOXINS, ANTITOXINS, AND ANALOGOUS PRODUCTS FOR THE TREATMENT OF MAN

- 12.21 Licensed establishments.
- 12.22 Labels; samples.
- 12.23 Detention; examination; disposition.

DOMESTIC ANIMALS, ANIMAL PRODUCTS, AND ANIMAL FEEDING MATERIALS

- 12.24 Regulations of the Department of Agriculture.

WILD ANIMALS, BIRDS, AND INSECTS

- 12.26 Importations of wild animals, fish, amphibians, reptiles, mollusks, and crustaceans; prohibited and endangered and threatened species; designated ports of entry; permits required.
- 12.27 Importation or exportation of wild animals or birds, or the dead bodies thereof illegally captured or killed, etc.
- 12.28 Importation of wild mammals and birds in violation of foreign law.
- 12.29 Plumage and eggs of wild birds.
- 12.30 Whaling.
- 12.31 Plant pests.
- 12.32 Honeybees and honeybee semen.

TEA

- 12.33 Importation of tea; entry; examination for customs purposes.

WHITE PHOSPHORUS MATCHES

- 12.34 Importation prohibited; certificate of inspection; importer's declaration.
- 12.35 [Reserved]

NARCOTIC DRUGS

- 12.36 Regulations of Bureau of Narcotics.

LIQUORS

- 12.37 Restricted importations.
- 12.38 Labeling requirements; shipments.

UNFAIR COMPETITION

- 12.39 Imported articles involving unfair methods of competition or practices.

IMMORAL ARTICLES

- 12.40 Seizure; disposition of seized articles; reports to United States attorney.
- 12.41 Prohibited films.

MERCHANDISE PRODUCED BY CONVICT, FORCED, OR INDENTURED LABOR

- 12.42 Findings of Commissioner of Customs.
- 12.43 Proof of admissibility.
- 12.44 Disposition.
- 12.45 Transportation and marketing of prison-labor products.